GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Social Welfare Department – Appeal Petition filed by Smt. Natari Geetha, W/o P. Chandrasekhar, Deputy Director (T), C/o Commissioner & Director of School Education, Amaravati, against the Proceedings No. Rc.C5(M)/2250/2009, dated: 10.05.2013 of the District Collector, SPSR Nellore, under Section 7(2) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) - Regulation of Issue of Community Certificates Act, 1993 (AP Act No.16/1993) – Appeal Petition dismissed – Orders -Issued.

SOCIAL WELFARE (CV.1) DEPARTMENT

G.O.Ms.No.30 Dated: 15.02.2019
Read the following:

1. Proceedings of the District Collector, SPSR Nellore, Rc.C5 (M)/2250/2009, dated: 10.05.2013.
2. Appeal Petition filed by Smt. Natari Geetha, W/o P. Chandrasekhar, Deputy Director (T), before the then M(SW), Endt/ Note No. 284/M(Social Welfare)/13, dated 04.06.2013.
3. Govt. Memo No.6783/CV.1/2013, dated 20.06.2013.
4. From the District Collector, SPSR Nellore, Lr.Rc.C5/2250/2009, dt: 26.10.2014 & 13.05.2015.
5. Govt. Memo No.6783/CV.1/2013, dated 30.05.2018, 08.08.2018 & 17.09.2018.
6. Vakalath filed by Sri Subba Reddy Devarapalli, Advocate, before the Government on 06.10.2018.
7. Govt. Memo No.6783/CV.1/2013, dated: 29.11.2018.
8. Written Arguments filed by Appellant, through her Counsel before the Appellate Authority on 15.12.2018.

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ORDER:

In the reference 1st read above, the District Collector, SPSR Nellore has issued orders canceling the SC–Samban caste certificates obtained from the then Tahsildar, Kovur/ Mandal Revenue Officer, Allur/ the Revenue Divisional Officer, Kavali, in the years 1984, 1986 & 2006 respectively, by Smt. Natari Geetha, W/o P. Chandrasekhar.

2. In the reference 2nd read above, Smt. Natari Geetha, W/o P. Chandrasekhar, has filed appeal petition before the Government, against the Proceedings of the District Collector, SPSR Nellore. After examining the said Appeal Petition, Government have admitted the Appeal Petition & granted stay on the proceedings of the District Collector, SPSR Nellore and called for the parawise remarks and connected records from the District Collector, SPSR Nellore in the reference 3rd read above.

3. In the reference 4th read above, the District Collector, SPSR Nellore has furnished the Parawise remarks and the connected records on the Appeal Petition filed by Smt. Natari Geetha, W/o P. Chandrasekhar.

4. The said Appeal Petition has been posted for hearing on 23.06.2018, 18.08.2018, 06.10.2018 & finally on 15.12.2018 and the same has been informed to the Appellant and the Counsel for the Appellant in the reference 5th & 7th read above, and they were requested to attend for the hearing along with all Documentary Evidences/ Certificates in support of the community claim, failing which, it will be construed that there is no explanation what-so-ever to furnish in the matter and that the case will be decided based on the material available with the Government. In the reference 6th read above, Sri Subba Reddy Devarapalli, Advocate has filed vakalath before the Government and filed written arguments on behalf of the appellant, in support of her SC-Samban community claim.

5. After hearing both the sides and on perusal of the records/ the copies of evidences/academic record/ grounds filed by the Appellant / the parawise remarks submitted by the District Collector, SPSR Nellore and proceedings of the District Collector, SPSR Nellore, dated 10.05.2013 , the Appellate Authority observes that :

I. The appellant in her grounds has stated that the order of the District Collector, Nellore cancelling the Caste Certificate basing on the report of the RDO, Kavali, Nellore District without holding any enquiry is not sustainable as violative of the principles of natural justice & the RDO, Kavali, Nellore District did not follow

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the mandatory procedure prescribed under rule 8 (d) (4) to (7) of the Andhra Pradesh SC, ST and BCs issue of community, nativity and date of Birth Certificates Rules, 1997. Further she has stated that the District Collector, Nellore & RDO, Kavali, Nellore District would have taken into account that the father and mother, other relatives mentioned during the enquiry and the records of the Thambi Prabhakar Rao, the maternal uncle school record would have revealed that the appellant is from Samban Caste of the former record would have been perused.

II. Further, she has stated that the RDO, Kavali, Nellore District would have called for the records of the serviced of the appellant as she has been working in Govt. services since (26) years and the official records would have indicated the confirmation of the appellant caste as Samban and the District Collector, Nellore would have perused (1) DD(SW) (2) the gazette of India of 1955 (3) the GO Ms No.85 of Govt. of A.P., S.W. Department, dt.21.10.2005 (4) A copy of judgment of Hon'ble High Court of AP in their W.P.No.19125 of 2008 wherein the synonymy of Sambuni Kapu to Samban is yet to be finalized and he has also failed to analyze the entire documentary evidence produced in proper perspective and not indicated in its present proceedings the reasons for not accepting those documentary evidences. The very basis of the charge of misconceived, unwarranted and against the settled law.

III. The District Level Scrutiny Committee has observed that the SC-Samban community claim of Smt. Natari Geetha, has been referred to the Revenue Divisional Officer, Kavali for conducting detailed enquiry and to furnish report. The Revenue Divisional Officer, Kavali in his report No.3513/2009, dated: 27.10.2010 reported that Smt. Natari Geetha appeared before him and stated that her father's name is Sri Natari Subbaiah, mother's name is Smt. Subbamma, that both are illiterates. Her mother's surname before her marriage is Thambi. Her native place is Alluru village of Alluru Mandal. She has further stated that her husband's name is Purini Chandrasekhar and his native place is Sambhunipalem, H/o. Isakapalli village of Allur Mandal and he belongs to Samban Caste. Her maternal uncle's son Thambi Prabhakar Rao studied up to tenth class and his caste was mentioned in the school records as Samban. She concluded her statement requesting to confirm her caste as Samban. The Revenue Divisional Officer, Kavali further reported that these people are locally known as Sambhuni Kapus and in fact the Sambhuni Kapu is one of the sub-sets of Kapu. There are Panta Kapus, Pakanati Kapus, Oruganti Kapus and likewise Sambhuni Kapus/Chembadi Reddys also one of the sub-sets of Kapu caste. These Sambhuni Kapu people interdine with other caste people and they have relationship with Kapus (Reddys) by way of marriages etc., taking the advantage of appearing of the caste Samban in the list of SCs, these Sambhuni Kapus are imposing themselves as Sambans in view of similarities in Samban and Sambhuni Kapus, these persons having knowledge about the constitutional benefits that have been granted to the SCs and trying to secure caste certificates as Samban by exhibiting Xerox copies of old land documents secured from the other people. Some of these people used to suffix 'Reddy' after their name as in the case of Panta Kapus, Pakanati Kapus etc. The people having surnames of Purini, Puchalapalli, Ata, Natari, Putheti etc., are having relationship with each other and therefore these persons belong to Sambhuni Kapu, but not Samban. Finally, the Revenue Divisional Officer, Kavali has reported that Smt. Natari Geetha does not belong to Samban (SC) Caste.

IV. The Committee has also observed that the Deputy Director has reported in his report dated 13.3.2012, stated that he has conducted field enquiry at Sambhunipalem, H/o. Isakapalli Village, West Gogulapalli Village, Sambhunipalem Street of Alluru Village & Mandal and Ramatheertham Village of Vidavalur Mandal on 13.9.2011 and reported that Sambhunipalem, H/o. Isakapalli village is consisting of Sambhuni/ Sambhuni Kapu caste people only. No other community people are residing over there. The surnames of the people are (1) Puchalapalli, (2) Mypati, (3) Singiri, (4) Putheti, (5) Aata, (6) Natari, (7) Purini, (8) Kalahasti, (9) Kunturu, (10) Mogili etc. The practice of untouchability is not traced. The persons of the above villages have registered sale deeds of 1940s in which their caste was mentioned as Sambhuni. Hence, it is very much clear that there are no original Samban caste people in the above areas. But as per the synonym status given to them, they are being awarded caste certificates by the

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then RDO, Kavali in the name of Samban. The Deputy Director has clearly reported that the family members of the appellant have not suffered any stigma of untouchability and they do not belong to Samban(SC) community. The Deputy Director has finally reported that this issue has to be taken up in a big way and decision has to be taken whether Scheduled Caste status given to Sambhunikapu caste people in Sri Potti Sriramulu Nellore District is to be withdrawn or not. Finally, before the Committee, the individual has attended and produced certain documents which are not supported to prove her caste as Samban(SC) and she failed to prove her caste as Samban (SC) and adduced that she joined in Govt. service 26 years back in Education Department with SC Samban Caste Certificate. The DLSC opined that the caste certificate of the applicant is liable to be cancelled. Based on the findings of the DLSC, the District Collector, has cancelled the appellant's SC-Samban caste certificate.

V. Under section 6 of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act 1993 (AP Act No.16/1993) the burden of proof lies on the Appellant only.

VI. The Appellate Authority is observed that during the course of hearing of the case, the appellant submitted her arguments as per her grounds in appeal petition and also field written arguments and several documents stated that the lower authority failed to observe that her relatives belongs to Samban SC Community and as per the Gazette of India of 1955 where it is notified the Sambuni Kapu was synonyms to Samban and further as per Mr. Edgar Thurston an authority on Caste and Tribes in his volume VI at page no 291 wrote about Sambuni Kapu under the heading Samban and if the lower authority observe the same that it clearly showing and pinpointing that Sambuni is the colloquial name of Samban and she is also belongs to Samban SC Community. That the appellant further referred upon some of the Government orders in which some of person's community confirmed as the respective person mentioned in the Government Orders belongs to Samban SC Community and stated on perusal of the said orders that it can be concluded that she is also belongs to Samban SC Community. The appellant failed to produce any document to show that she is having relationship with the said persons referred in the Government Orders and as such the same cannot be taken into consideration to decide the present case of Caste claim of the appellant. On verification of the documents and the grounds of appeal and Para wise remarks as well as the other documents and material available on the record it is noticed that except the above contention nothing was placed for appreciation of the case of the appellants and she failed to produce any documentary evidence of his caste claim as per the Act and Rules. That as per the act that the burden of proof lies on the appellant and it is the responsibility of the appellant to produce necessary evidence and documents to claim the same. In the instant case that the appellant except relaying the evidence filed before the lower authority failed to produce any additional material for re-appreciation of the case on hand. As seen from the record the lower authority passed the order after reasonable appreciating the evidence available on record as per law which deserves no interference. Hence it is apparent that the appeal is devoid of any merits arid there is no infirmity in the findings of either DLSC or the learned District Collector, SPSR Nellore District. That taking consideration of the above and the material available on the record that it can be concluded that the lower authority passed the order as per law which does not deserve any interference .

6. In view of the several reasons recorded in the paras supra, the Government, in exercise of the powers conferred under Section 7(2) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act 1993 (Act No16 of 1993), decide that the appeal petition filed by Smt. Natari Geetha, W/o P. Chandrasekhar, does not deserve any interference. Hence, Proceedings of the District Collector, SPSR Nellore issued vide Rc.C5(M)/2250/2009, dated: 10.05.2013, is hereby upheld and the Appeal Petition filed by Smt. Natari Geetha, W/o P. Chandrasekhar, is hereby dismissed and the Certificates issued by the then Tahsildar, Kovur/ Mandal Revenue Officer, Allur/ the Revenue Divisional Officer, Kavali are deemed to be cancelled .

7. The District Collector, SPSR Nellore is directed to take necessary consequential action in the matter.

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8. The records (containing Rc.C5(M)/2250/2009, dated: 10.05.2013, CF: 1-336 pages) received from the District Collector, SPSR Nellore through in the reference 4th read above, are returned herewith in original to the District Collector, SPSR Nellore and he is requested to acknowledge the receipt of the same, immediately.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

S.S. RAWAT
PRINCIPAL SECRETARY TO GOVERNMENT

To
The District Collector, SPSR Nellore
(with original records) (BY RPAD)

Smt.Natari Geetha,
W/o P. Chandrasekhar,
Deputy Director(T),
C/o Commissioner of School Education,
24-125, Vijayawada - Mylavaram Road,
Bhimaraju Gutta, Ibrahimpatnam, Andhra Pradesh-521456.

Sri Subba Reddy Devarapalli, advocate,
Addl. Standing Central Govt. Counsel,
D.No.9-2-62(1), Court Street, Ongole- AP.

The Commissioner of School Education,
24-125, Vijayawada-Mylavaram Road,
Bhimaraju Gutta, Ibrahimpatnam, Andhra Pradesh 521456.

Sri Gangapatnam Mohan Ambedkar @ Mohan, Mala Mahanadu, Nellore,
District Founder, In-Charge and State Vice President,
D.No.15/69, Subedarpet, Nellore District.

Copy to:
The PS to M(SWE& Cinematography).
The P.S. to Principal Secretary(SW).

// FORWARDED:: BY ORDER //

SECTION OFFICER